


## **EXHIBIT A**

<b>NOTICE OF NEXT EVENT</b>	DOCKET NUMBER <b>1368SC000227</b>	<b>Trial Court of Massachusetts District Court Department</b> 
CASE NAME <b>Vaderlei Cunha v. LVNV Funding, LLC As resident agent for CT Corp. Sys.</b>		
ATTORNEY (OR PRO SE PARTY) TO WHOM THIS COPY OF NOTICE IS ISSUED <b>LVNV Funding, LLC As resident agent for CT Corp. Sys. 155 Federal Street Boston, MA 02110</b>		COURT NAME & ADDRESS <b>Clinton District Court 300 Boylston Street Clinton, MA 01510</b>
NEXT COURT EVENT <b>Magistrate Hearing  08/12/2013 at 10:30 AM Small Claims Magistrate Session</b>		JUDGE OR MAGISTRATE (if already assigned)
<b>^^^ COUNSEL FOR ALL PARTIES (OR PRO SE PARTY) ^^ MUST APPEAR ON THE DATE &amp; TIME SHOWN ABOVE</b>		
<p><b>TO THE PARTIES TO THIS CASE:</b></p> <p>The nature, date and time of the next scheduled event concerning this case is indicated above.</p> <p><b>You are required to be present at this event.</b></p> <p>If you have good reason to request the Court to reschedule this event for another date, such request must be made by motion in accordance with the applicable court rule. Please note that the granting of a continuance is not automatic even when all the parties agree.</p> <p><b>Further Orders of the Court.</b></p>		
DATE ISSUED <b>May 13, 2013</b>	CLERK-MAGISTRATE <b>Leonard F Tomaio</b>	

## INSTRUCTIONS TO THE PLAINTIFF AND THE DEFENDANT

### 1. WHAT IS A SMALL CLAIM?

The small claims court is designed to resolve smaller money claims, making it easier and less expensive for the public to use the court. The plaintiff named on the front of this form has brought a small claim against the defendant for the amount and reasons stated. Both sides must appear in court on the trial date and time shown on the front of this form unless the plaintiff and defendant settle this case before then.

### 2. HOW IS THE DEFENDANT NOTIFIED OF THIS CLAIM?

The defendant is sent a copy of this "Statement of Small Claim and Notice of Trial" by first class mail. General Laws c. 223A, § 6 usually requires that out-of-state defendants be sent their notice by certified mail with a return receipt. If the plaintiff inquires, the court will inform the plaintiff if the Postal Service has been unable to notify ("serve") the defendant.

### 3. ARE ATTORNEYS NEEDED IN SMALL CLAIMS COURT?

No, but you may hire one if you wish.

### 4. WHAT ARE "COSTS"?

If the plaintiff prevails, or if both sides settle the claim, the plaintiff may also recover from the defendant as "costs" the court filing fee and postage.

### 5. IS THE DEFENDANT REQUIRED TO FILE AN ANSWER?

The defendant is not required to file a written answer to the plaintiff's claim. However, the defendant may send a signed letter to the court, with a copy to the plaintiff, saying clearly and simply why the plaintiff should not prevail.

### 6. WHAT IF THE DEFENDANT BELIEVES THE PLAINTIFF OWES HIM OR HER MONEY?

In his or her answer or in a separate letter to the court, or on the trial date, the defendant may set forth in writing, with a copy to the plaintiff, any money claim against the plaintiff that is within the jurisdiction of the small claims court (a "counterclaim"). Both claims will be treated as one case and tried together if the defendant mails a copy of the counterclaim to the plaintiff at least ten days before the scheduled trial date, or if the magistrate orders that they be so treated. Such counterclaims are not compulsory.

### 7. WHAT IF THE DEFENDANT ADMITS OWING ALL THE MONEY?

The defendant should contact the plaintiff and arrange to make payment. If payment is not made before the trial date, both the plaintiff and defendant must appear in court or file with the court the official "Agreement for Judgment and for Payment Order" form. That form lists income sources that are exempt from any payment order.

### 8. WHAT IF THE DEFENDANT ADMITS OWING THE MONEY BUT NEEDS TIME TO PAY?

If the plaintiff and defendant agree on a proposed payment schedule, they must file with the court the official "Agreement for Judgment and for Payment Order" form. If this is not done before the trial date, both the plaintiff and defendant must appear in court on that date. The defendant must complete a "Financial Statement" form and give his or her reasons for requesting time to pay.

### 9. WHAT IF THE DEFENDANT BELIEVES HE OR SHE OWES NOTHING, OR ONLY SOME OF THE MONEY CLAIMED?

The defendant must appear in court on the trial date and will be able to question whether he or she owes money and, if so, how much.

### 10. WHAT IF I CANNOT COME TO COURT ON THE TRIAL DATE?

Call or write the person on the opposing side and ask him or her to agree to postpone ("continue") the case. Continuances should be only for a good reason, such as illness, an emergency, or the unavailability of a witness. You must write the Clerk-Magistrate of the court to ask that the court give you a continuance, whether or not you are able to reach the person on the opposing side, and whether both sides agree to a continuance or not. Do not wait until the last minute. If the other side makes a reasonable request for a continuance, it may save you some inconvenience if you agree to the request.

### 11. WHAT IF I DO NOT COME TO COURT ON THE TRIAL DAY?

If the defendant does not appear for trial and the plaintiff does appear, the court may enter a default judgment and order the defendant to pay the amount claimed. The magistrate may ask the plaintiff to present some evidence of the claim, even if the defendant is not present. If the plaintiff does not appear for trial and the defendant does appear, the court will enter a judgment for the defendant. If both the plaintiff and the defendant do not appear for trial, the claim will be dismissed.

### 12. HOW SHOULD I PREPARE FOR TRIAL?

It may be helpful to write down ahead of time the facts of the case in the order in which they occurred. This will help you organize your thoughts and make a clear presentation of your story. On the trial date, you must bring with you any witnesses, checks, bills, papers, photographs or letters that will help you prove your case. If you need a witness to come to court but the witness will not come, ask the Clerk-Magistrate's office for a witness summons which you must then arrange to have an officer deliver to the witness. You may need an expert witness to prove any matter not within common experience. The plaintiff must prove that the claim is one that the law recognizes and that the defendant is liable, or the magistrate will enter a decision for the defendant.

### 13. WHAT WILL HAPPEN ON THE DAY OF THE TRIAL?


Be sure to arrive on time. If your case is not resolved by a mediator, a trial will be held before a magistrate. The plaintiff will be asked to tell his or her side of the story, then the defendant will tell his or her side. Each will have an opportunity to ask questions of the other side and the other side's witnesses. To prevail, the law requires the plaintiff to prove the validity of his or her claim.

### 14. WHAT WILL THE MAGISTRATE DO?

The magistrate will make a decision. Notice of the decision (called a "judgment") will be given or sent to each side.

### 15. CAN I APPEAL THE MAGISTRATE'S DECISION?

By bringing a claim in small claims court, the plaintiff (and the defendant as to any counterclaim) gives up the right to have the claim decided by a jury and to appeal if he or she loses. If the defendant loses (or the plaintiff loses on any counterclaim) before the magistrate, he or she can appeal for a new trial by a judge or a jury of any disputed questions of fact, but must post a bond, unless that requirement is waived.

<b>STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL</b>		For Court Use Only.	DOCKET NO. <u>13685C000227</u>	Trial Court of Massachusetts Small Claims Session		
PART 1	<input type="checkbox"/> BOSTON MUNICIPAL COURT		<input type="checkbox"/> DISTRICT COURT <u>Clinton</u> Division		<input type="checkbox"/> HOUSING COURT Division	
PART 2	PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE <u>Vanderlei Cunha</u> <u>434 George Hill Rd</u> <u>Lancaster, MA 01523</u> PHONE NO: <u>978-235-2121</u>			PLAINTIFF'S ATTORNEY (if any) Name: <u>L. Dean Pender, Esq.</u> Address: <u>113 Regent St. #2</u> <u>Boston, MA 02119</u> PHONE NO: <u>205-540-2439</u> BBO NO: <u>677676</u>		
PART 3	DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE <u>LVNV Funding, LLC (Resident Agent, CT Corp Sys.)</u> <u>155 Federal Street</u> <u>Boston, MA 02110</u> PHONE NO: <u>866-464-1183</u>			ADDITIONAL DEFENDANT (if any) Name: <u>Kevin Branigan - Manager/Officer</u> Address: <u>200 Meeting Street, Ste. 206</u> <u>Charleston, SC 29401</u> PHONE NO: <u>866-464-1183</u>		
PART 4	PLAINTIFF'S CLAIM. The defendant owes \$ <u>6,725</u> plus \$ <u>150</u> court costs for the following reasons: Give the date of the event that is the basis of your claim. <u>Plaintiff seeks triple damages, attorneys fees and costs as allowed under MGL c.93A, and cancellation of debt</u> <u>Violations of MA AG Regs 940 CMR 7 et seq., the FCRA, the FCRA and 209 CMR 19 et seq, including</u> <u>Reporting unsubstantiated information on Plaintiff's credit report, in violation of 15 USC 1681s-2(a)(1)(A)</u> <u>Failure to provide papers bearing the Plaintiff's signature, in violation of 940 CMR 7.08(2)(a)</u> <u>Failure to provide an itemization of payments, balances, etc., in violation of 940 CMR 7.08(2)(b)</u> <u>Failure to provide proof of assignment of a debt alleged owed, in violation of MGL c.106UCC 9-505(a)</u> <u>Falsely instructing credit bureaus that the account was "verified", in vio. of 15 USC 1681s-2(a)(1)(B)(i)(ii)</u> <u>Nearly two years of defamation via repeated FCRA violations allows for punitive damages per 15 USC 1681n(a)(2)</u> SIGNATURE OF PLAINTIFF x <u>L. Dean Pender for Vanderlei Cunha</u> DATE <u>4/4/13</u>					
PART 5	MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. <input type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.					
PART 6	MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the: <input checked="" type="checkbox"/> above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address. <input type="checkbox"/> above defendant(s) is (are) serving in the military x <u>L. Dean Pender</u> SIGNATURE OF PLAINTIFF DATE <u>4/4/13</u>					
NOTICE OF TRIAL	NOTICE TO DEFENDANT: You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right. If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney. SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM			NAME AND ADDRESS OF COURT DATE AND TIME OF TRIAL _____ DATE _____ AT _____ TIME _____ ROOM NO. _____		BOTH THE PLAINTIFF AND THE DEFENDANT MUST APPEAR AT THIS COURT ON THE DATE AND TIME SPECIFIED COURT USE ONLY
FIRST JUSTICE		CLERK-MAGISTRATE OR DESIGNEE				

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.